

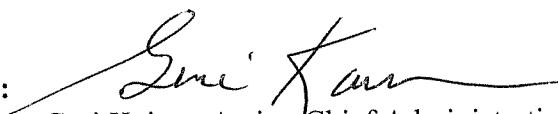
10.1.8

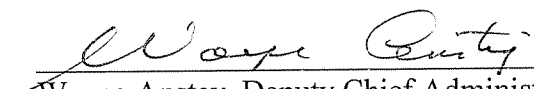


PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Halifax Regional Council**  
**July 4, 2006**

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**   
Geri Kaiser, Acting Chief Administrative Officer

  
Wayne Anstey, Deputy Chief Administrative Officer

**DATE:** June 19, 2006

**SUBJECT:** Proposed By-law C-500 - Commerce and Vending on Municipal Lands

**ORIGIN**

Halifax Regional Council, January 17, 2006, Item 9.1.2  
Committee of the Whole, June 28, 2005.  
Halifax Regional Council, Item 9.2.1, June 8, 2004  
Halifax Regional Council Item 7.1, May 18, 2004  
Halifax Regional Council Item 10.1.9, May 11, 2004  
Halifax Regional Council, Item 8.4, August 21, 2001  
Marine Drive, Valley and Canal Community Council, Item 10.5.1, September 23, 1998

**RECOMMENDATIONS**

It is recommended that Regional Council approve:

1. By-law C-500, respecting Commerce and Vending on Municipal Lands and commence the process for giving first reading for the adoption of the by-law.
2. Administrative Order 37, Respecting Commerce and Vending on Municipal Lands (Site Locations) and commence the process for the adoption of the administrative order.
3. An amendment to Administrative Order 15, Respecting License, Permit and Processing Fees and commence the process for the adoption of the amendment.

## **BACKGROUND**

As originally requested by members of Regional Council and as part of the Bylaw Rationalization process, staff was tasked with developing a by-law that would rationalize all former municipal by-laws that deal with commercial or retail activity, such as vending, on HRM-owned properties. The by-laws to be repealed are By-Law V-100 of the former City of Dartmouth, the Vending By-Law; Parts VII and VIII of Ordinance 180 of the former City of Halifax, the Streets Ordinance; and Part XI of By-Law P-600, Respecting Municipal Parks, and any amendments thereto. Staff presented the background to Committee of the Whole on June 28, 2005 to solicit feedback from Council on areas of concern they would like to see addressed. Based on the feedback staff came forward with the proposed by-law on January 17, 2006.

Following the initial presentation of the proposed by-law to Regional Council on January 17, 2006, staff was asked to revisit the by-law pursuant to a number of questions and concerns raised by members of Council. During the January 17<sup>th</sup> session, it was MOVED by Councillor Younger, seconded by Councillor McCluskey, that Regional Council approve in principal By-law C-500, respecting Commerce and Vending on Municipal Lands and commence the process for giving first reading for the adoption of the by-law. The MOTION was PUT and PASSED.

## **DISCUSSION**

Staff reviewed and revised the by-law and accompanying documents based on the feedback at the January 17, 2006 session of Regional Council. Below are excerpts from the minutes of the meeting and the corresponding response from staff. The proposed (revised) by-law is attached as Appendix "A".

### **Key Issues Raised**

*1. Councillor Goucher referenced Section 35, page 15 and expressed concern with the ability to ensure when people come on site they are treated fairly to goods and services offered by vendors. He questioned whether through this by-law as it is now worded does HRM have the ability to request and enforce price lists and costs of goods and services that are sold on site. In response, Council was advised legal would examine this issue prior to the matter coming back for first reading and if the by-law does not adequately address this point an amendment will be proposed to deal with the matter.*

There are three major annual events organized and implemented by HRM Committees of Council and HRM Civic Events and Festivals staff - Natal Day, Canada Day, and Bedford Days. All of these events take place on HRM owned property and include vending activity.

The proposed by-law stipulates that all vendors who participate in these events must obtain a license from the municipality - in this case, via the Special Events Organizer. Part of the agreement involves vendors signing a waiver or contract with the municipality which includes details on approved set-up location, refuse management, and items for sale including price lists. The terms of the contract stipulate that, if all conditions are not maintained, then a vendor may be evicted from the site - though this would only take place as a last resort.

If however, an eviction does occur, but the vendor causes a disturbance or refuses to leave, the "Protection of Privacy Act" would apply. This is a provincial statute to which Police Services could respond on an as required basis.

Legal Services has reviewed the wording of the proposed By-law in this area and have determined there is an adequate ability to bring the enforcement and license cancellation provisions of the By-law, if and as required.

*2. Councillor Streach asked how would a determination be made as to what activity would be covered by the By-law such as small roadside vendors.*

The specifics for the by-law have been designed primarily to regulate commercial activity on HRM properties, while at the same time affording good opportunities for business enterprise. This rationalized by-law is designed to meet the needs of the entire municipality. Although street vending is predominantly an urban-based activity, the criteria for the allowance of street or roadside vending is also applicable to areas outside the urban core of HRM.

It is staff's understanding that there is no interest to designate and regulate vending by small roadside vendors in the more rural area of HRM. Existing practices appear to be working effectively for most communities.

Should there be a requirement, in the future, to address a specific concern for a specific event, or perhaps due to specific safety or traffic concerns, the By-law would provide the administrative and enforcement ability for HRM to address those issues if and when they arise

*3. Councillor Karsten expressed concern that this may be precedent setting. The Councillor requested some of the key implications section on page 2 and 3 discuss different numbers in terms of distances away from doorways, driveways and crosswalks, etc. to make them more uniform.*

---

The criteria suggested are reflective of the variances in the dimensions of, and space between existing street amenities such as sidewalks, doorways and furniture zones. These measurements have been converted from imperial to metric, and are in keeping with the street scape guidelines as proposed by the Capital District group.

*4. Councillor Murphy expressed concern that established vendors on certain sites will not received first right of refusal but will have to go through the tendering process. The Councillor noted Chebucto Landing is a separate site than the Nathan Green site.*

The adoption of by-law C500 will not affect the current arrangements that vendors hold with HRM. However, the new by-law will bring in additional regulations to which vendors must comply, such as setbacks, litter control etc.

Regarding the Councillor's inquiry as to the difference between the tendered vending sit at Chebucto Landing and Artisan sites at Nathan Green Square and Sackville Landing. The tendered site at Chebucto Landing is the only designated food vending site on the waterfront administered by HRM. The other sites at Sackville Landing and Nathan Green Square are Artisan sites, which are administered under the specific section of the By-law regarding Artisan vending.

Currently, site licenses are issued through an RFP process for a five (5) year period. Bidders are selected based on the highest bid meeting the criteria outlined in the RFP. As a condition of the RFP, fees are pre-paid annually at the end of each calendar year for the upcoming year. Default of payment by the vendor results in the site being re-tendered.

Licenced (annual) vendors may be removed from their regular approved sites during HRM special events. This is as per the original vending contract with HRM, and is stipulated on the vending license.

Before a special event takes place, a letter is sent to the vendor(s) who will be affected and advises that vending is not permitted at that site for the duration of the event, unless they have made application through the event organizer. The letter outlines the site(s) affected and the dates and times for which the restriction applies. In addition, the letter provides a contact number to arrange for an alternative location if relocation is a viable option for the vendor.

*5. Councillor Kent questioned why were the sites identified in the report the only ones chosen where vendors could operate. The Councillor stated that if vending is not an issue outside the urban core they why blanket all areas of HRM.*

---

This rationalized by-law is designed to meet the needs of the entire municipality. Although street vending is predominantly an urban-based activity, the criteria for the allowance of street or roadside vending is also applicable to areas outside the urban core of HRM.

The selection of vending sites is primarily market-driven, but is cognizant of the need for the safety of residents and visitors. To that end, staff has designated sites for vending that are not only safe for pedestrians and vehicular traffic, but provide optimal sales opportunities for the vendors.

The vending sites referred to in Administrative Order 37 are those that currently exist, less one site for motorized mobile canteens (e.g. Bill the Spud), and two sites for all other mobile canteens (i.e. push carts). One site located on Tower Road/South Park Street was removed simply because no vendor has ever expressed an interest in tendering this site due to its being deemed an unsuccessful selling location. The two push cart sites removed are locations in the Grand Parade. These sites were removed pursuant to a request from the Mayor's office in December 2003, following a number of complaints from the public.

Due to market demand, one new site on University Avenue (Dalhousie) was added to the list of designated sites for mobile canteens (Appendix "F"). Two new push cart sites have also been added the Halifax Common (Appendix "E") and a motorized mobile canteen site has been added on Tower Road. Please refer to Appendix "B" for complete listing of sites.

Should the by-law be approved, prospective vendors can make an application for a new site to be "designated" by way of an amendment to the Administrative Order. New locations are reviewed by staff based on the criteria outlined in the Administrative Order. A recommendation for or against the amendment to the Administrative Order would be made to Regional Council. Conversely, sites can be removed from the Administrative Order as deemed appropriate by Council as per Section 29.

*6. Councillor Smith questioned what would happen if someone won a tender for a location but did not set up on the spot, would they be allowed to keep the tender. The Councillor suggested something be in the By-law to address such a circumstance.*

Section 5 (d) has been added to the By-law. It reads as follows:

"The licence may be revoked by the Licence Administrator...(d) when the licence holder leaves the site vacant for a period of time that exceeds 14 days."

This wording is permissive and not mandatory. The Administrator is not required to revoke the licence. The decision can be made based on the circumstances. If, for example, the vender was ill and not able to conduct business for a period of time, but there was a reasonable expectation that the business would resume, the Administrator would not have to revoke the licence.

---

Fourteen days is suggested as a reasonable time-frame, but as stated above, the Administrator can and should consider any extenuating circumstances before revoking a licence.

*7. Councillor Streach requested staff provide clarification on such things as commercial versus local fund raisers, yard sales and ice cream stands, etc.*

This by-law has been designed primarily to regulate commercial activity on HRM properties, while at the same time affording good opportunities for business enterprise. There are, on occasion, ad hoc or “one off” events that take place throughout the municipality. These tend to occur in the more rural regions such as District 3.

Generally speaking, “one off” events such as yard sales and fund raisers will not be impacted or heavily enforced, unless they become a either a persistent problem or an obstruction in an HRM right of way or park. Also, the by-law will not encourage opportunities for pitting one neighbour against another. This is for two reasons. Firstly, a limitation of resources will not allow for a aggressive, pro-active approach to eliminating all commercial activity in the street, no matter how innocent or casual the intent. Secondly, HRM by-laws are not designed to supercede civil disputes between citizens. Enforcement officers are well-versed in the difference between by-law and civil matters and will engage the proper resources as deemed appropriate.

The By-law could be used as a tool, at the discretion of HRM, if an event were to become either a persistent problem or an obstruction in an HRM right of way or park. The main criteria for enforcement will be whether or not commercial activity causes traffic or safety concerns.

*8. Councillor Murphy suggested there be more consultation with Councillors and more input from vendors and the public.*

This process required research and consultation with staff from several business units, councillors, and external organizations including the Capital District Task Force, Business Commissions, Alderney Landing Association, vendors, and publishers in the HRM. At all times, staff are interested in receiving suggestions and feedback from members of Council.

The Capital District Task Force and the Special Events Task Force meet monthly. It is during these monthly meetings that updates regarding the development of by-law C-500 were provided. The Special Events Task Force is made up of internal staff, while the Capital District Task Force is comprised of both internal and external stakeholders. The external stakeholders include:

Downtown Halifax Business Commission  
Downtown Dartmouth Business Commission  
Quinpool Road Business Association

---

Spring Garden Business Association  
Waterfront Development Corp Ltd.

In addition to the regular updating to these committees, staff held a number of meetings with vendors and newspaper publishers. Publishers were invited to participate in two meetings (May 9, 2005 and January 13<sup>th</sup>, 2006) to discuss and provide feedback to the proposed C-500 Section 3 - Newspaper Boxes. Representatives from the Halifax Chronicle Herald, The Globe and Mail, Halifax Daily News, and The Coast were in attendance at those meetings and have corresponded via email several times as well, specifically to provide feedback regarding designation of sites. Most of the industry did not have difficulty with what was being proposed as they are familiar with a similar fee structure in the previous City of Halifax Street Ordinance By-law 180. One smaller newspaper did express concern with the cost because their publications are free and they have a large number of stands throughout the urban area.

With respect to the city's vendors, a questionnaire and copy of the proposed by-law was mailed to all licensed vendors on May 6, 2005. To date, one vendor has responded to staff's request for feedback.

Staff feel that they have taken the consultation and input into consideration in drafting the new fees and locations and the proposed By-law represents a fair and equitable balance between licensing and control and the ability to proceed with commerce.

*9. Councillor Sloane requested an answer be provided with regards to vending on the Halifax Commons. She noted there are three separate pieces of property on the waterfront, Chebucto Landing, Nathan Green Square and Sackville Landing. She noted Schedule A only refers to Gottingen Street with respect to newspapers and not to vending. She noted there are some traditional sites and under this By-law that tradition may be taken away. Can an actual university bid on a site and thus outbid anyone vending in front of their building and ensure a site is never used. The Councillor further question whether anyone can bid on the RFP or do they have to own a vendors license.*

With respect to the Commons issue (for both Halifax and Dartmouth) staff have completed a more in-depth review of the potential for these locations. Subsequently, it is recommended that no vending sites be designated for the Dartmouth Common due to the lack of any heavy pedestrian traffic, apart from activities at the ball fields behind Bicentennial School. Staff are however, recommending two sites on the Halifax Common. These are described in the Administrative Order 37 (Appendix "B") and are shown on the map in Appendix "E".

The distinction between the three properties on the waterfront is discussed previously in part 4.

Although Gottingen Street actually provides some excellent spacing for vending activities, no vendor has ever requested a license for a site in that area. Staff will be happy to review proposed sites along Gottingen Street, should a prospective vendor wish to have them licensed.

There are no plans to remove any “traditional” or popular sites. On the contrary, the vending sites referred to in Administrative Order 37 are those that currently exist, less one site for motorized mobile canteens (e.g. Bill the Spud), and two sites for all other mobile canteens (i.e. push carts). One site located on Tower Road/South Park Street was removed simply because no vendor has ever expressed an interest in tendering this site due to its being deemed an unsuccessful selling location. The two push cart sites removed are locations in the Grand Parade. These sites were removed pursuant to a request from the Mayor’s office in December 2003, following a number of complaints from the public.

As per parts 6 and 11 of this report, if a University wins a site and then leaves it vacant, the License Administrator would have the discretion to determine the status of the site.

With respect to bidding on vending sites, applicants must first adhere to the “Application for License” process (See Section 14 of the proposed By-law, Appendix 1). Once the applicant has met all of the application requirements for holding a license, the applicant may bid on a site as per the process described in Section 15 “Processing of Application”.

*10. Councillor Smith asked how many sites are outside the buffer zone.*

Pursuant to Ordinance 180, Schedule “D”, there currently exists a “buffer zone” in the former City of Halifax where vending is not permitted. The zone is a horseshoe-shaped area of land which surrounds the downtown core (Refer to Appendix “D” for map). The buffer was designed to prohibit vending in the more residential areas of peninsular Halifax and have vending activities concentrated in the downtown business district. No such buffer zone exists in the former City of Dartmouth. All proposed vending sites are outside the buffer zone.

As part in parcel of this new by-law, staff recommends the removal of this buffer zone, and only allow vending at approved designated sites throughout HRM. Removing the buffer zone and establishing designated sites allows for easier monitoring and enforcement, and also recognizes the ever-expanding central business district, currently designated as the Capital District.



*11. Councillor Hendsbee stated that there should be an allowance made that if a vendor does not use his site it goes back to tender.*

Section 6 (3) has been added to the By-law. It reads:

“ If the Appeals Committee upholds the decision of the Licence Administrator to revoke a licence, the Licence Administrator may award the site to another vendor by a process that includes accepting new applications for the site.”

The wording is permissive and not mandatory. The Administrator is not required to re-offer the site. This wording indicates that a new application process would be used to award the site as opposed to reassessing the applications filed during the previous competition. The Administrator may also consider previous applications.

### **BUDGET IMPLICATIONS**

Accepting the recommendations would have no significant budget implications.

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality’s Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

### **BY-LAW RATIONALIZATION COMMITTEE**

The proposed by-law and respective Administrative Orders were reviewed by the By-law Rationalization Committee on August 20, 2004, September 3, 2004, October 1, 2004, April 15, 2005, and May 13, 2005. The documents have also been “approved to form” by Legal Services.

### **ALTERNATIVES**

There are no recommended alternatives.

**Proposed Commerce and Vending  
on Municipal Lands By-law  
Council Report**

July 4, 2006


**ATTACHMENTS**

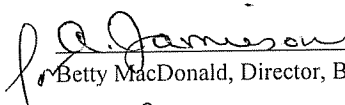

- Appendix "A" - Proposed By-law C-500 Respecting Commerce and Vending on Municipal Lands
- Appendix "B" - Administrative Order 37 Respecting Commerce and Vending on Municipal Lands
- Appendix "C" - An amendment to Administrative Order 15 Respecting License, Permit and Processing Fees
- Appendix "D" - Map of Ordinance 180, Schedule "D" Buffer Zone
- Appendix "E" - Map of proposed sites, Halifax Common
- Appendix "F" - Map of proposed site, University Avenue

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Phil Francis, P.Eng, Manager, Right of Way Services 490-6219  
Ken Reashor, P.Eng, Manager, Traffic & Right of Way Services 490-6637  
Wendy Stewart, License Administrator 490-4064  
Mike Gillett, Coordinator, Civic Events & Festivals 490-4740  
Liz Kingston, Coordinator, Municipal Operations Support 490-4644

Report Reviewed by:   
Kathy Smith, Financial Consultant 490-6153

  
Report Approved by: \_\_\_\_\_  
Mike Labrecque, P.Eng. Director, Transportation & Public Works 490-4851

  
Betty MacDonald, Director, Business Planning & Information 490-4630  
  
Carol Macomber, A/Director, Community, Culture & Economic Development 490-5908

## Appendix “A”

### HALIFAX REGIONAL MUNICIPALITY BY-LAW C-500 RESPECTING COMMERCE AND VENDING ON MUNICIPAL LANDS

The Council of the Halifax Regional Municipality under the authority vested in it by Section 172(2)(b) and Section 173 of the *Municipal Government Act*, enacts as follows:

#### Short Title

1. This By-Law may be cited as By-Law C-500, the “Commerce and Vending on Municipal Lands By- Law”.

#### Definitions

2. In this By-Law
  - (a) "Annual Site License" means a license to vend at a specific site for a term not exceeding one year;
  - (b) “Artisan (Craftsperson)” means a painter, silversmith, weaver, jeweller, candle maker, leather worker or other like artisan who resides in Nova Scotia and who manufactures their own products within Nova Scotia. This includes artisans who provide a service such as henna tattoos, braiding, palm reading, face painting, and vendors selling recordings of their own music;
  - (c) “Bicycle Wagon License" means a license to vend from a site for no longer than 10 minutes;
  - (d) "Council" means the Regional Council of the Municipality;
  - (e) "Designated Site License" means a license to vend at a specific site for a term not exceeding five (5) years;
  - (f) “Engineer” means the Director of Transportation and Public Works or the Director’s designate;
  - (g) “handcraft” means a work of art or craft made by a painter, silversmith, weaver, jeweler, candle maker, leather worker or other like artisan who resides in Nova Scotia and who manufactures the work of art or craft within Nova Scotia;
  - (h) “License” means a license issued pursuant to this By-Law and includes a Street & Services Permit issued for Sidewalk Cafes;

## Appendix “A”

- (i) “License Administrator” means the License Administrator appointed by the Chief Administrative Officer or designate;
- (j) "Inspector" means the Inspector appointed by the Chief Administrative Officer or designate;
- (k) "mobile canteen" means any vehicle used for the displaying, storing, transportation or sale of food and beverages by a vendor which is required to be licensed and registered pursuant to the Motor Vehicle Act or propelled by human power whether required to be licensed or not, and includes a stand for food and beverages;
- (l) “municipal lands” means any lands owned by Halifax Regional Municipality;
- (m) “municipality” means the Halifax Regional Municipality;
- (n) “newspaper" means a daily publication that contains world, national or local news, weather and classified advertisements, and includes a periodical;
- (o) "newspaper box" means an unattended coin operated box for the purpose of vending or distributing newspapers or periodicals;
- (p) "pawnbroker" means a person, firm, corporation or partnership whose business it is to lend money on goods left, pledged or deposited as security for a loan;
- (q) "periodical" means a magazine or other publication published at regular intervals but does not include a newspaper;
- (r) "school" does not include a university;
- (s) "Second Hand Shop" means a building or part of a building in which used goods, merchandise, substances, articles, or things are offered or kept for sale, but excludes used bookstores, antique stores, sports card shops, used clothing stores, and the sale of used bicycles as an accessory to a new bicycle shop or repair shop;
- (t) “Sidewalk cafe” means a group of tables and chairs and other accessories situated and maintained upon a public sidewalk or pedestrian mall for the use and consumption of food and beverages sold to the public from or in an adjoining indoor food and beverage establishment;
- (u) "Site" means a location designated in Administrative Order 37 or in accordance with Section 33;

## Appendix "A"

- (v) "Special Event" means either an HRM (internal) festival or event or a non-HRM (external) festival or event that is held on lands owned by the municipality and approved by the Special Events Coordinator;
- (w) "Special Events Organizer" means the Special Events Organizer appointed by the Chief Administrative Officer or designate;
- (x) "stand" includes any table, showcase, bench, rack, pushcart, wagon or any other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered pursuant to the Motor Vehicle Act, used for the display, storage, transportation or sale of food, beverages or other merchandise by a vendor;
- (y) "street" means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith;
- (z) "vend" or "vending" means the sale and offering for sale of food, beverages, flowers, or handcrafts on a street or on municipally-owned property;

## PART 1 - GENERAL

### **License Administrator Empowered To Grant Licenses**

3. (1) The License Administrator is authorized and empowered to grant or refuse any application for a license under this By-Law, except where the authority to grant or refuse licenses is specifically given to another official of the Municipality.

- (2) A license may be revoked
  - (a) for violation of the terms of this By-Law or of any agreements or conditions subject to which the license was issued;
  - (b) where there has been a conviction for a violation of this By-law or any other By-Law of the municipality; or
  - (c) where there has been a conviction for a violation of the provisions of the Motor Vehicle Act or any regulations made thereunder with respect to the operation of a mobile canteen;
  - (d) when the licence holder leaves the site vacant for a period of time that

## Appendix “A”

exceeds 14 days.

### **License Fees**

4. The annual license fees pursuant to this By-Law shall be those established from time to time by Administrative Order.

### **License Not Transferrable**

5. A license issued pursuant to this By-Law is not transferrable.

### **Appeals**

6. (1) Any person whose application for a license is refused, or any person whose license is suspended or revoked, may appeal from such refusal, suspension or revocation to the Appeals Committee pursuant to By-Law A-100 as amended from time to time.

(2) If the Appeals Committee directs the License Administrator or such other person who has authority to issue a license pursuant to this By-Law to issue or reinstate such license they shall immediately do so.

(3) If the Appeals Committee upholds the decision of the Licence Administrator to revoke a licence, the Licence Administrator may award the site to another vendor by a process that includes accepting new applications for the site.

### **Seizure and Removal**

7. (1) A Police Officer or Inspector may seize and remove from municipal lands any stand, mobile canteen, bicycle wagon, or newspaper box if the officer has reasonable grounds to believe that the person vending is in violation of any section of this By-Law, any other By-Law, or any laws of Canada.

(2) A person may reclaim the stand, mobile canteen, bicycle wagon, or newspaper box within seven (7) days after the seizure and upon payment in full for impoundment and storage fees, as set out by Administrative Order, as prescribed by the Municipal Government Act and the Mechanics Lien Act.

(3) In the case of a newspaper box, if the impoundment and storage fees are not paid within seven (7) days of the seizure, the municipality may destroy or sell the box to recover the expense of its seizure, removal and storage.

## Appendix “A”

### Penalty

8. A person who does anything prohibited by this by-law, neglects or fails to do anything required according to this by-law, or permits anything to be done in violation of this by-law is guilty of an offence, and, upon summary conviction, is liable to a fine of not less than One Hundred Dollars (\$100.00) and not more than Five (5) Thousand Dollars (\$5,000.00), and, in default of payment, to imprisonment for a period not exceeding 60 days.

## PART 2 - VENDING

### License Required To Vend

9. (1) No person shall vend on municipal lands without having obtained a license to do so pursuant to this Part.

(2) No person shall vend in the municipality except in accordance with the provisions of this Part.

(3) No person shall vend in the municipality except at a site for which the vendor holds a license.

(4) Subsection (1) shall not apply to a Bicycle Wagon licensed pursuant to this Part.

### Application For License

10. (1) The applicant for a license shall make written application to the License Administrator.

(2) A separate application shall be made for each vending license.

(3) The application for a vending license shall include:

(a) the name, home and business street address and the telephone number of the applicant, and the name and street address and the telephone number of the owner, if other than the applicant, of the vending business, stand or mobile canteen to be used in the operation of the vending business;

(b) the written consent of the owner of the vending business, stand or mobile canteen to be used in the operation of the business, if other than the applicant;

(c) the type of merchandise to be sold;

## Appendix “A”

- (d) a description and photograph of any stand or mobile canteen to be used in the operation of the business, including the license and registration number of any motor vehicle;
  - (e) two prints of a full-faced photograph of the applicant of a size three (3) cm square (passport photo), taken not more than 30 days prior to the date of the application;
  - (f) proof of insurance as required by Section 29, including proof of compliance as required by Section 29(2);
  - (g) copies of all health permits as required by Section 30.
- (4) An application for a license to vend at a site, in addition to the requirements of subsection (3), the application shall include:
- (a) identification of the site for which the applicant wishes to apply;
  - (b) a statement of the amount which the applicant is prepared to pay the municipality for the use of the site identified pursuant to clause (a) hereof for the period of the license but not less than five (5) times the license fee prescribed by Section 4;
  - (c) payment in advance to the municipality in an amount equal to two (2) percent of the amount stated in clause (b) hereof;
  - (d) a copy of the signed tender document.
  - (e) The application for a license for a site shall be made on or before the second Monday in January of the year for which the license is sought.
- (5) An application for a license for a Bicycle Wagon, in addition to the requirements of subsection (3), shall include payment in advance to the municipality in the amount equal to the license fee prescribed by Section 4.

### Processing Of Application

11. Prior to the 31<sup>st</sup> day of January of the year for which a Designated Site License is sought, where the conditions of Section 10 have been complied with,

- (a) the License Administrator shall notify the applicant who offered the highest price for the site that the applicant’s bid was successful, provided that, if



## Appendix "A"

more than one applicant offered the same price, the License Administrator shall notify the applicant whose application was first submitted;

- (b) the successful applicant shall within 10 days of being notified pursuant to clause (a), deliver to the License Administrator
  - i payment in advance to the municipality in an amount equal to one-fifth of the amount which the applicant bid for the site, less the amount of the deposit submitted;
  - ii an agreement with the municipality signed by the applicant and in a form approved by the municipality whereby the applicant and if the applicant is not the owner of the business, stand or mobile canteen, the owner, in consideration of the applicant being granted a license for the particular site, undertakes to keep an area within a nine (9) metre radius of the site free and clear of trash, refuse, and recyclables, and agrees that on failure to do so, the municipality may clean the said area at the expense of the applicant and, if applicable the owner; and
  - iii the stand or mobile canteen in respect of which the application was made for inspection by the License Administrator; and on the receipt thereof and on the Inspector being satisfied that the stand or mobile canteen complies with the requirements of this Part, the License Administrator shall issue the license for the site to the successful applicant,

provided however, if the successful applicant does not comply with the provisions of this clause, the bid of the successful applicant shall be treated as unqualified and the provisions of clause (a) hereof shall apply to the remaining bids; and

- (c) the License Administrator shall refund to any unsuccessful applicant the license fee paid pursuant to clause (c) of subsection (4) of Section 10. Refunds shall not be granted to any applicant who refuses a site awarded.

### Annual Site Licenses

12. Where no application is submitted for a site prior to the second Monday in January, or for a newly designated site, an application may be made for an Annual Site License, provided that the license fee required to be paid pursuant to Section 4 and the license shall be issued to December 31st of that year.

## **Appendix “A”**

### **Annual Payments By Site Licensee**

**13.** The person to whom a license is issued pursuant to Section 15 shall, prior to the 31<sup>st</sup> day of December of the second, third, fourth and fifth years of the term for which the license is issued deliver to the License Administrator payment in advance to the municipality in an amount equal to one-fifth of the amount which the licensee bid for the site.

### **License For Bicycle Wagon**

**14.** If the applicant for a Bicycle Wagon meets all of the requirements of this Part, the License Administrator shall issue a license for the Wagon to the applicant.

### **Display Of License**

**15.** Every license shall bear a number and shall be affixed to the stand or mobile canteen in a conspicuous place by the License Inspector and shall not be removed.

### **Expiration of Licenses**

**16.** Every license shall expire according to the following:

- (i)** Designated Site License - on the 31<sup>st</sup> day of December of the fifth calendar year following the date of issue
- (ii)** Annual Site License - on the 31<sup>st</sup> day of December of the year in respect of which it is issued.
- (iii)** Bicycle Wagon License - on the 31<sup>st</sup> day of December of the year in respect of which it is issued.

### **Limit Of One Site Per Person**

**17.** No person shall be granted a license for more than one site.

### **Revocation Of Site**

**18.** The Council may revoke or suspend a license in respect of any site if, in the opinion of Council, the site is required for the purposes of the municipality and the municipality shall refund to the applicant a portion of the license fee paid by the applicant pro-rated in proportion to the amount of time that the license is revoked or suspended. In addition, the municipality does not assume responsibility for any loss of revenue pursuant to this Part.

### **Vendor Badge**

## **Appendix “A”**

**19. (1)** No person shall vend without first obtaining a badge from the municipality. The municipality shall only furnish the badge after the licensee provides the License Administrator with:

- (a)** name, telephone number and street address of the person who will wear the badge; and
  - (a)** two prints of a full-faced photograph, three (3) cm square (passport photo), taken not more than 30 days prior to the date of application of the person who will wear the badge.
  - (b)** a fee according to Administrative Order 15.
- (2)** The badge shall expire on the 31<sup>st</sup> day of December in the year the badge was issued.

### **Conditions Applicable to Vending Generally**

**20.** No person shall:

- (a)** vend between the hours of 4:00 a.m and 9:00 a.m. of any day;
- (b)** leave any mobile canteen or stand unattended;
- (c)** store, park, leave or have any stand or mobile canteen on any municipal lands between the hours of 4:30 a.m. and 8:30 a.m. of any day;
- (d)** leave any location without first picking up, removing and disposing of all trash, refuse, or recyclables remaining from sales made by the person;
- (e)** allow any items relating to the operation of the vending business other than a litter receptacle to be placed anywhere other than in, on or under the stand or mobile canteen;
- (f)** set up, maintain or permit the use of any table, crate, carton, rack, sign, or any other device to increase the selling or display capacity of the vendor's stand or mobile canteen, with the exception of one cooler no greater than 75 cm x 45 cm x 45 cm in size;
- (g)** solicit or conduct business with persons in motor vehicles;
- (h)** vend anything other than that which the vendor is licensed to vend;
- (i)** use or operate any loud speaker, public address system, radio, sound amplifier or similar device to attract the attention of the public or cry the vendor's wares;

## Appendix “A”

- (j) vend any merchandise other than
  - (i) food;
  - (ii) beverages;
  - (iii) handcrafts; and
  - (iv) flowers;
- (k) vend from a motor vehicle any merchandise other than food and beverages;
- (l) vend from a motor vehicle at other than the sidewalk side of the vehicle;
- (m) allow a stand or any item relating to the operation of the vending business to lean against, hang from, or otherwise be affixed to any building on private property or any structure lawfully placed on public property without the owner's permission;
- (n) vend in an obstructive manner which would include, but not be limited to:
  - (i) the ingress or egress of the abutting property owner or tenant;
  - (ii) increasing traffic congestion or delay;
  - (iii) constituting a hazard to traffic, life or property; or
  - (iv) obstructing adequate access to fire, police or sanitation vehicles;
- (o) vend in such a way as to interfere with performances being conducted in the Grand Parade (i.e. the area bounded by Argyle, Prince, Duke, and Barrington Streets);
- (p) vend without a vendor badge in full view at all times pursuant to Section 19;
- (q) set up a stand within four (4) metres of another stand legally located pursuant to this Part;
- (r) set up a stand without incorporating a solid base perimeter on the stand to facilitate identification of the stand by visually impaired individuals.

### Conditions Relating To Vending From Bicycle Wagons

21. A person vending from a Bicycle Wagon licensed under this By-Law shall not

- (a) stop at any location for longer than 10 minutes;

## **Appendix “A”**

- (b) vend within 90 metres of the grounds of any school between one-half hour prior to the start of the school day and one-half hour after the dismissal at the end of the school day;
- (c) make a sale except where the Wagon is parked curbside;
- (d) vend merchandise other than frozen treats;
- (e) set up a stand within four (4) metres of another stand legally located pursuant to this Part.

### **Persons Making Purchases From A Vendor**

**22.** Persons making purchases from a vendor or waiting in any municipal lands to make a purchase from a vendor shall do so in an orderly manner so as not to obstruct the use of the municipal lands nor the approach to any adjacent property.

### **Maximum Size of Stands and Mobile Canteens**

**23.** No person shall vend with:

- (1) a stand which exceeds two (2) metres in length and a maximum one (1) metre cart width excluding the wheel base;
- (2) a motor vehicle which exceeds seven (7) metres in length;
- (3) a mobile canteen which is equipped with an umbrella or other similar device which overhangs a sidewalk unless the umbrella or device is two (2) metres or more above the level of the sidewalk;
- (4) a total operating space larger than four (4) square metres for a stand and 14 square metres for a mobile canteen.

### **Litter And Waste Control**

**24.** No person shall:

- (1) vend unless Solid Waste storage facilities are provided immediately adjacent to the mobile canteen adequate to receive the trash, refuse and recyclables generated by sales made from the mobile canteen, which facilities shall be emptied on a regular basis to prevent overflowing and spillage.
- (2) dispose of Solid Waste contrary to methods prescribed in By-Law S-600 - Solid

## **Appendix “A”**

### Waste Collection and Disposal.

(3) dump any trash, refuse, fat, or any other food substance, generated by the mobile canteen, into the municipal sewer system.

### **Insurance Required**

25. (1) The owner of a mobile canteen shall place and keep in effect, during the term of the license, Automobile Liability insurance in the amount of not less than Two (2) Million Dollars inclusive Bodily Injury and Property Damage (with a maximum Property Damage deductible of \$500). Said owner shall also place and keep in effect, during the term of the license, a Commercial General Liability insurance policy in the amount of not less than Two (2) Million Dollars inclusive Bodily Injury and Property Damage (with a maximum Property Damage deductible of \$500) in connection with the presence and operation of a mobile canteen within the street, including the municipality as an additional named insured and with a cross liability clause.

(2) The insurance policies required in subsection (1) shall be endorsed by the insurer so that the insurer shall notify the License Administrator of any cancellation or material change in the insurance coverage provided pursuant to subsection (1).

(3) The owner of a mobile canteen shall provide to the License Administrator or the License Inspector upon demand from time to time evidence that the policies remain in force.

(4) Compliance with subsection (1) to (3) shall be a condition of the owner's license remaining in force and if the owner fails to comply with the said provisions, the License Administrator may suspend the mobile canteen license until the license holder submits satisfactory proof to the Inspector that the insurance has been reinstated or renewed.

(5) The license shall be revoked if insurance has not been re-instated and notice thereof given to the License Administrator within three months of the date of suspension.

### **Health Permits Required**

26. No person shall vend unless they are vending in compliance with all Province of Nova Scotia Agriculture and Fisheries (Food Safety) requirements, including the acquisition of public health permits.

### **Safety Requirements For Motorized Mobile Canteens**

27. No person shall prepare or sell food from a motor vehicle unless:

- (a) all equipment installed in any part of the vehicle is secured in order to prevent movement during transit and to prevent detachment in the event of a collision or overturn;

## Appendix "A"

- (b) all utensils are stored in order to prevent their being hurled about in the event of a sudden stop, collision or overturn. A safety knife holder shall be used to avoid loose storage of knives;
- (c) propane tanks, compressors, auxiliary engines, generators, batteries, battery chargers, and similar equipment are installed so as to be accessible only from outside the vehicle; and
- (d) all NFPA 96 Standard, B149.2-M95 Propane Installation Codes and other requirements by the Province of Nova Scotia Department of Labour are met.

### No Parking In Vendor Sites

28. Where a portion of a roadway is designated as a vending area by the posting of signs by the municipality, no person shall stop or park a motor vehicle within that area during the hours when vending is permitted, other than a mobile canteen licensed under the terms of this By-Law to vend at that site.

### Designation Of Vending Sites

29. (1) The sites at which vending is permitted are those designated from time to time by Administrative Order 37.
- (2) New sites may be approved by the Engineer.

### Vending By Abutting Business

30. (1) Subject to subsection (2), the provisions of this Part shall not apply to a person who is operating a business on the part of any premises to which access is gained directly from the sidewalk and who vends from a stand located on the sidewalk immediately in front of that part of the premises during the months of May through October in any year.

- (2) A person who vends pursuant to this Section shall
- (a) locate his stand on the portion of the sidewalk immediately adjacent to his premises;
  - (b) maintain a minimum of 2.1 metres of open space for the use of pedestrians between the stand and the nearest edge of the sidewalk immediately adjacent to the roadway; provided that if there are any parking meters, utility poles, newspaper boxes, street furniture, fire hydrants or other objects located on the sidewalk in front of the vendor's premises, the 2.1 metres of open space shall be measured from the edge of the object closest to the stand; and

## Appendix "A"

- (c) incorporate a solid base perimeter on the stand to facilitate identification of the stand by visually impaired individuals.
- (3) A person who vends pursuant to this Section shall not:
  - (a) set up a stand within 1.5 metres of any doorway;
  - (b) set up a stand within 4.6 metres of any driveway;
  - (c) set up a stand within 7.6 metres of a marked or unmarked crosswalk;
  - (d) set up a stand within 19 metres in advance of or within three (3) metres beyond a bus stop sign;
  - (e) vend at any time when the abutting business is not open;
  - (f) vend any food or merchandise other than food or merchandise of a type which the person sells from the abutting business; and
  - (g) use or operate any loud speaker, public address system, radio, sound amplifier or similar device to attract the attention of the public or cry the vendor's wares.
- (4) A person who vends pursuant to this Section shall remove the stand from the sidewalk not later than 30 minutes after the time when the abutting business closes, and not set up a stand earlier than 30 minutes prior to the time when the abutting business opens.
- (5) A person shall:
  - (a) not vend pursuant to this Section unless and until the person vending places and keeps in effect, during the term of the license, a Commercial General Liability insurance policy in the amount of not less than Two (2) Million Dollars inclusive Bodily Injury and Property Damage (with a maximum Property Damage deductible of \$500) covering the operation for which the License has been approved and issued, including the municipality as an additional named insured and with a cross liability clause;
  - (b) provide to the License Administrator or the License Inspector upon demand from time to time evidence that the policy remains in force.
- (6) This Section shall not apply to a second hand shop, pawnbroker, or sidewalk cafe.



## Appendix “A”

### 31. Vending In Association With Festivals Or Events

(1) Subject to Subsection (2), the provisions of this Part shall not apply to a person who is the organizer of a festival or event and who receives permission from the Special Events Organizer to vend souvenirs of the festival or event or other merchandise in association with the festival or event from stands located on property of the municipality.

(2) A person who vends pursuant to this Section shall make written application to the Special Events Organizer. A separate application shall be made for each vending license.

(3) The application for a vending license shall include:

- (a) the name, home and business street address and the telephone number of the applicant, and the name and street address and the telephone number of the owner, if other than the applicant, of the vending business, stand or mobile canteen to be used at the event;
- (b) the written consent of the owner of the vending business, stand or mobile canteen to be used at the event, if other than the applicant;
- (c) identification of the event for which the applicant wishes to apply for a vending license, including a description of the event and identification of the location(s) and time at which vending will take place;
- (d) the type of merchandise to be sold;
- (e) a description and photograph of any stand or mobile canteen to be used at the event, including the license and registration number of any motor vehicle;
- (f) two prints of a full-faced photograph of the applicant of a size three (3) cm square (passport photo), taken not more than 30 days prior to the date of the application;
- (g) proof of insurance as required by Subsection (4);
- (h) copies of all health permits that are in compliance with all Province of Nova Scotia Department of Agriculture and Fisheries (Food Safety) requirements;
- (i) written notification if a tent is to be used.

(4) A person shall:

- (a) keep in effect, during the time of the license, a Commercial General Liability insurance policy in the amount of not less than Two (2) Million Dollars

## Appendix “A”

inclusive Bodily Injury and Property Damage (with a maximum Property Damage deductible of \$500) covering the operation for which the License has been approved and issued, including the municipality as an additional named insured and with a cross liability clause;

- (b) provide to the Special Events Organizer upon demand from time to time evidence that the policy remains in force;
- (c) obtain a vendor badge. The municipality shall only furnish the badge after the licensee provides the Special Events Organizer with:
  - (i) name, telephone number and street address of the person who will wear the badge;
  - (ii) two prints of a full-faced photograph, three (3) cm square (passport photo), taken not more than 30 days prior to the date of application of the person who will wear the badge;
  - (iii) a fee according to Administrative Order 15.

The badge shall expire 24 hours after the close of the event.

(5) Prior to the event for which a License is sought, where the conditions of subsection (3) have been complied with,

- (a) the Special Events Organizer shall notify the applicant in writing that the application was successful;
- (b) the successful applicant shall within 10 days of being notified pursuant to clause (a), deliver to the Special Events Organizer
  - i payment in advance to the municipality in an amount prescribed by Administrative Order 15;
  - ii an agreement with the municipality signed by the applicant and in a form approved by the municipality whereby the applicant and if the applicant is not the owner of the business, stand or mobile canteen, the owner, in consideration of the applicant being granted a license for the particular approved location, undertakes to follow any instruction from a Police Officer or Special Events Organizer and keep an area within a nine (9) metre radius of the location free and clear of trash, refuse, and recyclables, and agrees that on failure to do so, the municipality may clean the said area at the expense of the applicant

## Appendix “A”

and, if applicable the owner; and

- iii the stand or mobile canteen in respect of which the application was made for inspection by the Special Events Organizer; and on the receipt thereof and on the Special Events Organizer being satisfied that the stand or mobile canteen complies with the requirements of this Section, the Special Events Organizer shall issue the license for the approved location to the successful applicant,

provided however, if the successful applicant does not comply with the provisions of this clause, the application shall be treated as unqualified; and

- (c) the Special Events Organizer shall refund to any unsuccessful applicant the license fee paid pursuant to subclause (i) of clause (5)(b).

(6) Every license shall bear a number and shall be affixed to the stand or mobile canteen in a conspicuous place by the Special Event Organizer and shall not be removed;

(7) A license under this section shall expire 24 hours after the close of the event;

(8) In addition to the license required under this Section, if a tent is used, approval is required from HRM Fire and Emergency Services;

(9) The Council may revoke or suspend a license in respect of any approved location if, in the opinion of Council, the site is required for the purposes of the municipality and the municipality shall refund to the applicant a portion of the license fee paid by the applicant pro-rated in proportion to the amount of time that the license is revoked or suspended. In addition, the municipality does not assume responsibility for any loss of revenue pursuant to this Section;

(10) This Section shall not apply to properties where the municipality has a third party management agreement.

### **32. Vending By Artisans/Craftspeople**

(1) Subject to Subsection (2), the provisions of this Part shall not apply to a person who sells or offers for sale Nova Scotia-made handcrafts from stands located on property of the municipality.

(2) A person who vends pursuant to this Section shall make written application to the License Administrator. A separate application shall be made for each vending license and shall include:

- (a) the name, home and business street address and telephone number of the applicant;

## Appendix “A”

- (b) the location where the applicant wishes to vend;
- (c) a sample and photo of the handcraft to be sold including a price list;
- (d) a statement to the effect that the applicant made or manufactured the handcraft; and
- (e) two prints of a full-faced photograph of the applicant of a size three (3) cm square (passport photo), taken not more than 30 days prior to the date of the application.

(3) For a site near the Public Gardens, where the conditions of Subsection (2) have been complied with, the License Administrator, upon payment to the municipality in the amount equal to the license fee prescribed by Administrative Order 15, shall issue a license for an approved location on a first come, first served basis.

(4) Prior to the first day of April of the year for which a license is sought at a site at Nathan Green Square or Sackville Landing and, where the conditions of Subsection (2) have been complied with, the License Administrator shall forward the application to the Special Events Coordinator for approval.

- (a) upon approval by the Special Events Coordinator, the License Administrator shall notify the applicant that the applicant’s submission was successful;
- (b) the successful applicant shall within 10 days of being notified pursuant to clause (a), deliver to the License Administrator payment to the municipality in an amount prescribed by Administrative Order 15 provided however, if the successful applicant does not comply with the provisions of this clause, the application shall be treated as unqualified and the provisions of clause (a) hereof shall apply to the remaining applicants.

(5) A person licensed to sell handcrafts pursuant to this Section shall only sell in a location approved by the Engineer and described on the license, which location shall be designated in Administrative Order 37.

(6) A person who vends pursuant to this Section shall:

- (a) only vend during the months of May through October in any year;
- (b) keep an area within a nine (9) metre radius of the location free and clear of trash, refuse, and recyclables, and agrees that on failure to do so, the municipality may clean the said area at the expense of the vendor;
- (c) use tables, booths, display stands, coverings, screens and other equipment

## Appendix "A"

used for display that are of a temporary and moveable nature. This includes a vinyl or canvas umbrella. Umbrellas that encroach the sidewalk must be two (2) metres or more above the level of the sidewalk;

- (d) remove tables, booths, display stands, coverings, screens and other equipment used for display at the end of each business day, which business day is deemed to commence at 9:00 am and ends at 10:00 pm;
  - (e) not use display tables that exceed one (1) metre in depth, two (2) metres in length and two (2) metres in height. The total display area must not exceed one (1) metre in depth by two (2) metres in width;
  - (f) not interfere with pedestrian flow;
  - (g) not hang products for sale from trees, bushes, posts etc. located around the assigned vending area;
  - (h) not use or operate any loud speaker, public address system, radio, sound amplifier or similar device to attract the attention of the public or cry the vendor's wares;
  - (i) incorporate a solid base perimeter on the stand to facilitate identification of the stand by visually impaired individuals.
- (7) (1) It shall be the responsibility of the licensee to obtain a vendor badge.
- (2) The municipality shall only furnish the badge after the licensee provides the License Administrator with:
- (a) the name, telephone number and street address of the person who will wear the badge; and
  - (b) two prints of a full-faced photograph, three (3) cm square (passport photo), taken not more than 30 days prior to the date of application of the person who will wear the badge.
  - (c) a fee according to Administrative Order 15.
- (3) The badge shall expire on the 31<sup>st</sup> day of October in the year the badge was issued.

### **PART 3 - NEWSPAPER BOXES**

#### **License Required To Place Newspaper Boxes**

33. (1) No person shall have or place a newspaper box on any municipal lands without

## Appendix “A”

having obtained a license to do so pursuant to this Part.

(2) No license holder shall place, maintain or operate a newspaper box in any location other than a location specified in the license.

### Application For License

34. (1) The applicant for a license shall make written application to the License Administrator and which shall be accompanied by a plan showing the proposed location, size and design of the box, and sample of the publication.

(2) No license shall be issued until,

(a) the license is for a location approved pursuant to Administrative Order 37;

(b) the License Administrator or Inspector has approved the size and design of the newspaper box;

(c) boxes shall not exceed 1.25 metres in height nor occupy an area greater than 0.35 square metres;

(d) the applicant files with the License Administrator proof of the insurance coverage required by Section 39;

(e) the applicant provides the License Administrator with the 24 hour service call number in order to ensure that no hazard to the public is created as a result of a damaged newspaper box or in case of emergency;

(d) the fees as prescribed pursuant to Administrative Order 15 have been paid;

(4) A license shall expire on the 31<sup>st</sup> day of March next following the date of issue;

(5) A license issued under this By-Law may provide for the location of newspaper boxes at more than one location. Each box shall be affixed by a decal provided by the License Administrator.

### Boxes Permitted Only at Designated Sites

35. (1) No person shall place a box in the municipality except at a site for which the owner holds a license.

(2) The sites approved for boxes are those designated from time to time by Administrative Order 37.

(3) New sites may be approved by the Engineer.

## **Appendix “A”**

(4) Notwithstanding subsection (2), there shall be, at a minimum, space for four (4) boxes in order for a site to be approved.

(5) Only one (1) box per publication shall be permitted to be placed at each approved location, the license for which shall be issued on a first-come first-serve basis.

(6) Where a publisher applies to place a newspaper box in a location set forth in Administrative Order 37, a publisher shall locate that box within 12 cm of a box already located at that location.

### **Maintenance Of Boxes**

36. The license holder shall at all times keep the newspaper box in good repair, in a neat, clean, rust-free and sanitary condition free of graffiti, and advertisements as per Section 37 and shall immediately remove any newspaper box from the street when damaged, and in no event shall any repairs to a newspaper box be effected on the street.

### **Printing On Boxes**

37. A newspaper box shall have the name of the publisher of the newspaper or periodical and the telephone number for the 24 hour service call system printed on its exterior, and otherwise shall not have any printing or advertising matter on it other than

- (a) the name of the newspaper or periodical being sold or distributed;
- (b) instructions on the use of the machine; and
- (c) advertising promoting the newspaper or periodical itself.

### **Construction Of Boxes**

38. (1) A newspaper box shall be constructed so that the publications being distributed from the box are completely enclosed and protected from the elements and are equipped with a self-closing door sufficient to prevent littering.

(2) A newspaper box shall be free-standing and self-supported by means of a weight internal to the newspaper box and shall be located on a concrete or asphalt surface. Boxes shall not be affixed to any building on private property or any structure lawfully placed on public property without the owner’s permission.

(3) A newspaper box must incorporate a solid base perimeter to facilitate identification of the box by visually impaired individuals.

### **Insurance Required**

## **Appendix “A”**

**39. (1)** Said owner shall also place and keep in effect, during the term of the license, a Commercial General Liability insurance policy in the amount of not less than Two (2) Million Dollars inclusive Bodily Injury and Property Damage (with a maximum Property Damage deductible of \$500) in connection with the presence and operation of a newspaper box within the street, including the municipality as an additional named insured and with a cross liability clause.

**(2)** Such insurance shall be in a form and with insurer(s) reasonably acceptable to the municipality and may, at the municipality’s option, be subject to review by or on behalf of the municipality. Such review or lack of review shall not mean the insurance is in accord with this Clause and it shall be the owner’s responsibility to ensure that the insurance is in conformity with this Agreement.

**(3)** Prior to being granted a license, the owner of a newspaper box shall provide to the License Administrator a Certificate of Insurance. Furthermore, such Certificate shall be furnished by the owner to the License Administrator at each renewal or replacement of the policy(ies). The License Administrator or the License Inspector may demand from time to time evidence that the policies remain in force.

**(4)** Compliance with subsection (1) to (3) shall be a condition of the owner's license remaining in force and if the owner fails to comply with the said provisions, the License Administrator may suspend the newspaper box license until the license holder submits satisfactory proof to the Inspector that the insurance has been reinstated or renewed.

**(5)** The license shall be revoked immediately if the Licence Administrator or his designate becomes aware that the insurance has not been placed and maintained in accordance with this Agreement.

### **Repeal Of By-Laws**

**40.** By-Law V-100 of the former City of Dartmouth, the Vending By-Law, Parts VII and VIII of Ordinance 180 of the former City of Halifax, the Streets Ordinance, and Part XI of By-Law P-600 Respecting Municipal Parks and any amendments thereto are hereby repealed.



**Appendix “B”**

**HALIFAX REGIONAL MUNICIPALITY**

**ADMINISTRATIVE ORDER NUMBER 37**

**Respecting Commerce and Vending on Municipal Lands (Site Locations)**

BE IT RESOLVED as an Administrative Order of the Council of the Halifax Regional Municipality as follows:

**SHORT TITLE**

1. The Administrative Order may be cited as Administrative Order Number 37, the Commerce and Vending on Municipal Lands (Site Locations) Administrative Order.

**SITES ESTABLISHED**

2. The sites for licenses issued pursuant to the By-Law mentioned in Schedule “A” to this Administrative Order shall be set forth therein.

Done and passed in Council this \_\_\_\_ day of \_\_\_\_\_ 2006.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Clerk

## Schedule "A"

### **A. SITES FOR MOBILE CANTEENS WHICH ARE MOTOR VEHICLES**

1. Spring Garden Road - North Side - Between Brunswick and Grafton Streets 10 metres west of fire hydrant near Grafton Street.
2. Spring Garden Road - North Side - Between Brunswick and Grafton Streets 30 metres west of fire hydrant near Grafton Street.
3. Grafton Street - West Side - North of Spring Garden Road 50 metres north of stop sign at Spring Garden Road.
4. Argyle Street - East Side - South of Carmichael Street - 15 metres south of the stairs to the Grand Parade.
5. Tower Road - East Side - south of Spring Garden Road intersection between Spring Garden Road and University Avenue.

### **B. SITES FOR ALL OTHER MOBILE CANTEENS**

1. Spring Garden Road - North Side - between Brunswick and Grafton Streets 20 metres west of fire hydrant at Grafton Street against wall.
2. Spring Garden Road - North Side - between Brunswick and Grafton Streets 40 metres west of fire hydrant at Grafton Street against wall.
3. Grafton Street - East Side - 70 metres North of Spring Garden Road against Building Wall. (Non- Food Merchandise Only)
4. Grafton Street - West Side - between Walkway to Library and Spring Garden Road 45 metres south of stop sign at Spring Garden Road against wall.
5. Grafton Street - East Side - Across Street from Library 55 metres north of Spring Garden Road against building wall. (Non-food merchandise only)
6. South Park Street - West Side - Between Spring Garden Road and University Avenue.
7. Argyle Street - East Side - South of Carmichael Street 30 metres south of the stairs to Grand Parade Square against railing.
8. Argyle Street - East Side - South of Carmichael Street 60 metres south of the stairs to the Grand Parade Square against railing. (Non-food merchandise only)
9. Grand Parade 5 metres from the bottom of the stairs adjacent to the north curb.
10. Grand Parade 5 metres from the bottom of the stairs adjacent to the south curb.
11. On the boardwalk, at the east end of George Street at Chebucto Landing, 2 metres from the cul de sac curb, adjacent to light pole.
12. University Avenue, (Dalhousie site) south side between LeMarchant Street and Seymour Street, in front of Dalhousie Student Union Building.
13. On the Halifax Common, at Cunard Street between Robie Street and Agricola Street.
14. On the Halifax Common, at the parking lot off Cogswell Street

### **C. SITES FOR ARTISANS AND CRAFTSPEOPLE**

1. On the sidewalk, North side of Spring Garden Rd (Public Gardens) between South Park Street and Summer Street (Non-food merchandise only)
2. Sackville Landing, 12 sites located on the Event Plaza at the SE side of Sackville Street and Lower Water Street
3. Nathan Greene Square, 10 sites located in park area east of Provincial Courts building,

north of Ferry Terminal building.

#### **D. SITES FOR NEWSPAPER BOXES**

##### ***Downtown Halifax Area:***

1. Hollis Street #1690, 14 meters south of Prince Street (Joseph Howe Bldg)
2. Hollis Street #1557, 24 meters north of Salter Street (Lower Water Street level has boxes on private property)( Ralston Bldg)
3. Hollis Street #1310, 15 meters north of Morris Street (Renaissance South Bldg)
4. Barrington Street #1313, 13 meters north of Morris Street (Renaissance South Bldg.)
5. Barrington Street W/S, 12 meters north of Duke Street inside sidewalk (Scotia Square) \*
6. Lower Water Street E/S, rest area opposite 1496 Lower Water Street \*
7. George Street #5077 outside Chebucto Landing entrance (Halifax Ferry Terminal)
8. Brunswick Street #1799, 22.5 metres south of Duke Street (Halifax Metro Centre)
9. Argyle Street #1590, 19 meters south of Sackville Street (rear Marriott Hotel)

##### ***Spring Garden Road Locations:***

10. Spring Garden Rd., south side, 19 meters east of Queen Street \*
11. South Park Street S/W corner, 36 meters south of Spring Garden Rd \*\*
12. Tower Rd #1472, 50 meters south of Spring Garden Rd. \*\*
13. Spring Garden Rd at Summer Street, 33 meters from S/E corner \*\*
14. Dresden Row E/S, 28meters north of Spring Garden Rd

##### ***Quinpool Road Locations:***

15. Quinpool Rd #6169, 135 meters west of Vernon Street (Quinpool Centre) \*
16. Quinpool Rd #6371, 14 meters west of Harvard Street (Bank of Montreal)
17. Quinpool Rd #6465, 10.9 meters east of Beech Street
18. Quinpool Rd #6112, 30 meters west of Vernon Street

##### ***Gottingen Street Locations:***

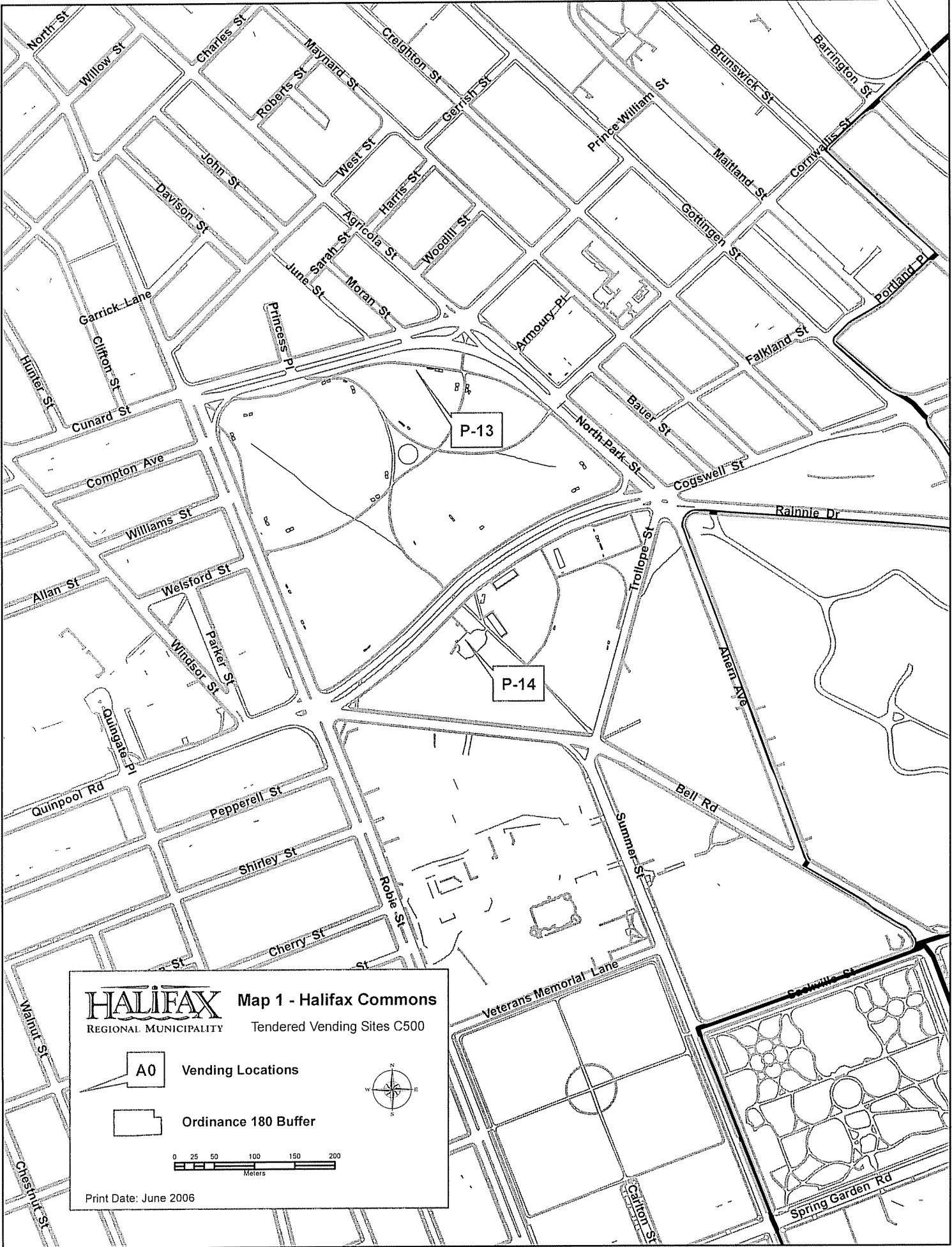
19. Gottingen Street #2131, 12 meters south of Cornwallis Street
20. Gottingen Street #2285, 15 meters north of Prince William Street

##### ***Dartmouth Locations:***

21. Portland Street #69, 10 meters west of King Street
22. Wyse Rd #153, 21.5 meters north of Dawson Street (Tim Hortons) \*\*
23. Wyse Rd #110 rear entrance off parking lot (Dartmouth Sportsplex)
24. Ochterloney Street #30, 13.75 metres east of street across from Edward Street



##### ***Notes:***

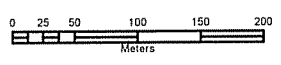
1. Unless otherwise indicated by \*, boxes to be located on curb side
2. \*\* indicates in grass boulevard, requiring a concrete pad.



**HALIFAX**  
REGIONAL MUNICIPALITY

**Map 1 - Halifax Commons**  
Tendered Vending Sites C500

-  **A0** Vending Locations
-  Ordinance 180 Buffer



Print Date: June 2006